

LAFONT et al.  
Appl. No. 10/561,238  
Atty. Ref.: 1721-108  
Amendment After Final Rejection  
March 6, 2009

REMARKS

Reconsideration is requested.

Claims 1, 2 and 4-6 are pending. Claims 7-9 have been added. The claims have been revised based on the disclosure, for example, spanning pages 2-3 of the specification. No new matter has been added. Claims 1, 2 and 4-9 will be pending upon entry of the present Amendment.

The Section 102 rejection of claims 1, 2 and 4-6 over Hook (U.S. Patent No. 6,413,931) is obviated by the above amendments. Reconsideration and withdrawal of the rejection are requested in view of the above and the following.

The cited patent describes, at best, a stent or variety of other medical devices coated with decorin core protein or a biologically active fragment of decorin containing the N-terminus of decorin. See claim 1 of Hook as well as, for example, column 8, lines 31-41 of Hook. The applicants submit that while the N-terminal fragment sequence of Hook is not specifically provided, the attached Yang et al ("Decorin is a Zn<sup>+2</sup> Metalloprotein" JBC, vol. 274, No. 18, April 30, pp 12454-12460 (1999)), which was authored and published by Hook 10 days before the filing of the Hook priority document, describes the "MD4" N-terminal fragment of Hook as being a 50.2 kDa N-terminal fragment spanning amino acids 31-71 of decorin. See the following Table 1B and Figure 2 of Yang et al:

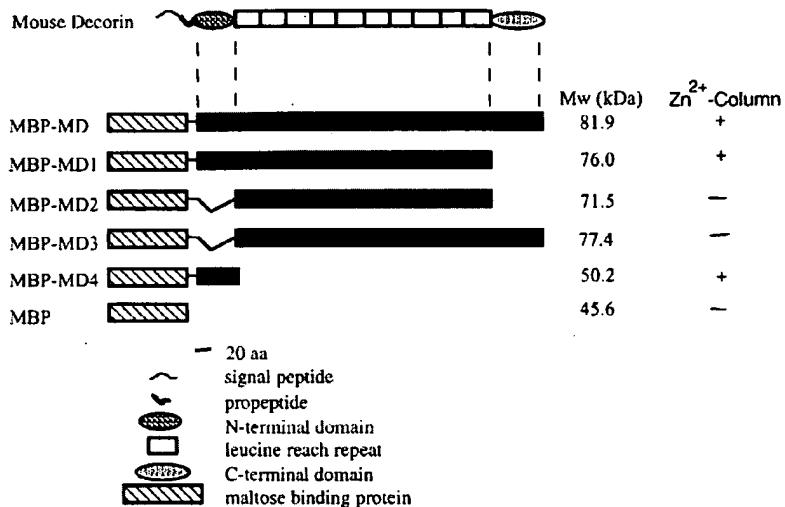
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B			
Fragment	Primers	Number of base pairs <sup>b</sup>	Number of amino acid residues <sup>a</sup>
MD	DCNF9 DCNR2	232-1296	31-354
MD1	DCNF9 DCNR18	232-1140	31-303
MD2	DCNF17 DCNR18	445-1140	72-303
MD3	DCNF17 DCNR2	445-1296	72-354
MD4	DCNF9 DCNR19	232-444	31-71
MB-N	BGNF11 BGNR13	346-465	38-77

<sup>a</sup> Asterisk, stop codon.

<sup>b</sup> The nucleotide assigned number and amino acid numbers were based on the mouse decorin (PGS2) sequence search from data base with accession number P28654, and mouse biglycan (PGI), accession number X53928.

FIG. 2. Constructs of decorin core protein fragments. The diagram shows the recombinant decorin constructs expressed in *E. coli*, their molecular weight (*Mw*), and summarizes the results of the different fusion protein's ability to bind to a  $Zn^{2+}$  charged iminodiacetic acid column.



The cited Hook patent fails to teach or suggest the peptides of the presently claimed invention or the claimed methods requiring same.

Entry of the present Amendment and withdrawal of the Section 102 rejection are requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

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Respectfully submitted,

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